

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRINA C. RIOS

Plaintiff,

vs.

PEAK PRESSURE CONTROL, LLC,

Defendant.

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Cause No. 2:13-cv-1071-WJ-SMV

PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PERSONAL INJURIES

COMES NOW Plaintiff, Mrs. Crina C. Rios, by and through her attorney, Greta B. Fischer, and for cause of action against Defendant, Peak Pressure Control, LLC states:

1. Plaintiff is a resident of the City of Malaga, County of Eddy, and State of New Mexico.
2. Defendant is a limited liability company registered in the State of Texas with operations in Midland, County of Midland, and State of Texas.
3. On or about July 27, 2011, Plaintiff was operating an automobile on US Highway 285 and she was going southbound. Bobby Shane Sinclair was also traveling southbound on US Highway 285. While Plaintiff was making a right-hand turn Bobby Shane Sinclair struck Plaintiff's automobile and the force of the collision pushed Plaintiff's automobile through a parking lot, past a tree and through a metal fence.
4. Defendant owned the truck that was being driven by Mr. Sinclair. Mr. Sinclair was an employee of Defendant and at the time of the accident he was acting within the scope of his employment. As such, Defendant should be held vicariously liable for the negligent actions of Mr. Sinclair.

5. At the above-mentioned time and place, Defendant negligently operated its motor vehicle in such a manner that it struck the rear and then side of the Plaintiff's vehicle with significant force.
6. Defendant was negligent by: failing to see Plaintiff's automobile; operating at a speed that was unsafe for the conditions; following too close; and, colliding with the vehicle operated by Plaintiff.
7. As a result of Defendant's negligence, Plaintiff sustained serious injuries including, but not limited to injuries to her neck, back, head, left clavicle and left eye. Furthermore, Plaintiff developed mental impairments as a result of Defendant's negligence.
8. As a further result of Defendant's negligence, Plaintiff sustained injuries that necessitated being hospitalized and seeking medical treatment.
9. As a further result of Defendant's negligence, Plaintiff incurred substantial medical bills.
10. As a further result of Defendant's negligence Plaintiff experienced pain and suffering, mental anguish, lost enjoyment of life and will continue to experience pain and suffering, mental anguish and lost of enjoyment of life into the future.
11. As a further result of Defendant's negligence, Plaintiff sustained injuries to her left eye, neck, back and left clavicle that are permanent in nature, sustained permanent impairment, and sustained injuries that will require medical treatment well into the future.
12. At all times relevant to this complaint, Plaintiff was in the exercise of due care of her vehicle.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount that is reasonable and just under the circumstances together with interest, costs, and such other and further relief as to the Honorable Court seems just and proper.

Respectfully submitted,

JEFF DIAMOND LAW FIRM

/S/ Greta Fischer

Greta Fischer

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ATTORNEY FOR PLAINTIFF

I certify that on December 30, 2013, I filed the above electronically through CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Gregory Biehler, Esq.

/s/ Greta Fischer

Greta Fischer